



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,826	03/16/2000	HIDEO SUZUKI	00153/LH	1952

7590                    12/31/2003

FRISHAUF HOLTZ GOODMAN LANGER & CHICK  
767 THIRD AVENUE  
25TH FLOOR  
NEW YORK, NY 10017-2023

EXAMINER

ADAMS, JONATHAN R.

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 12/31/2003

S

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/508,826	SUZUKI, HIDEO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jonathan R Adams	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 3/16/2000.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) 1, 2, 5, 7, 13, and 14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

*[Signature]*  
NORMAN M. WRIGHT  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Specification***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Objections***

Claims 1, 2, 5, 7, 13, and 14 are objected to because of the following informalities:

The word "OK" is inappropriate vocabulary, and renders the associated phrases purely subjective. These uses have been interpreted as "successful".

Appropriate correction is required.

Claim 2 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 rejected under 35 U.S.C. 102(b) as being preceded by Blonder (US Patent No. 5,559,961, Hereafter referred to as '961).

As to claims 1, 3-6, 9, '961 teaches a checking device comprising:

1. Storage means... / Means for storing ... (Col 1, Line 59 et seq., '961)
2. Storing in advance an image ... / Predetermined image ... (Col 1, Line 59 et seq., '961)
3. Location of at least one checking point... / Number of predetermined positions ... (Col 1, Line 60 et seq., '961)
4. Display screen... / Visual display screen ... (Col 2, Line 63 et seq., '961)
5. Displaying said image... / Means for displaying ... (Col 1, Line 58 et seq., '961)
6. Designating any point on the display... / Means responsive to a user for determining a users selection of locations ... (Col 1, Line 61 et seq., '961)
7. Determining that checking is OK... / Deny user access ... (Col 1, Line 67 et seq., '961)
8. Designation means corresponds to the location... / Determined location selected by the user correspond to the predetermined... (Col 1, Line 63 et seq., '961)
9. Relative coordinates... / Stores the coordinates ... (Col 4, Line 42 et seq., '961)
10. Ratio positions... / No larger than 10% ... (Col 3, Line 39 et seq., '961)

11. Plurality of checking points... / Number of predetermined positions ... (Col 1, Line 60 et seq., '961)

12. When locations and designation order of the points... / In a predetermined order (Col 1, Line 60 et seq., '961)

13. For each of programs... / Controls user access to the application capabilities provided by the processing system (Col 3, Line 8 et seq., '961)

As to claims 7-8, they recite a combination of previously rejected limitations specified above and further comprise:

14. Storing, in advance, images... / Plurality of different images (Col 5, Line 8 et seq., '961)

15. Sequentially display said images... / A different image would be displayed ... (Col 5, Line 9 et seq., '961)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 - 15 rejected under 35 U.S.C. 103(a) as being unpatentable over '268 in view of Windows 95 for Dummies.

'961 teaches the use of a checking device implemented as a processing system such as a personal computer (Col 2, Line 56 et seq., '961). '961 does not explicitly

teach the use of window images as display images, overlapping windows, a recording medium having a program stored... to make the computer check..., or to select and designate icons. The Windows operating system is notoriously well known in the art for use with personal computers. Windows 95 for dummies (hereafter referred to as Win) teaches the use of windows to visually contain running program information, including user-checking (authentication and identification) applications. Win also teaches the use of overlapping of windows, and selecting icons to check user access to resources. It would have been obvious to one skilled in the art at the time of invention to modify the checking device implemented as a personal computer, as taught by '961, with the Windows operating system because the Windows operating system is a very well known in the art.

As to claims 10-12, Win teaches the invention in conjunction with previously rejected limitations comprising:

- A. Window images... / Each program runs in its own little window... (Page 10, Paragraph 7, Win)
- B. A state of overlapping ... / Cascading and tiling windows... (Page 133, Win)
- C. Select and designate icons... / Seeing what's inside folders (Page 220, Win), (Fig 12-4, Win)

As to claims 13-15, they recite a combination of limitations specified above with the inclusion of a computer readable medium.

The examiner takes official notice of both the motive and modification necessary to place the invention on a computer readable medium.

Art Unit: 2134

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the invention of '961 to place the method, process, or device in a computer readable medium. One of ordinary skill in the art would have been motivated to perform such a modification because it is the convention in the art to have a computer program product stored in a recording medium. This is notoriously well known in the data processing art, for it is the convention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R Adams whose telephone number is (703) 305-8894. The examiner can normally be reached on Monday – Friday from 10am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



NORMAN M. WRIGHT  
PRIMARY EXAMINER